

1 Kurt Ramlo (Bar No. CA 166856)
2 kurt.ramlo@dlapiper.com
3 Bertrand Pan (Bar No. CA 233472)
4 bertrand.pan@dlapiper.com
5 Meredith Edelman (Bar No. CA 261602)
6 meredith.edelman@dlapiper.com
7 **DLA PIPER LLP (US)**
8 550 South Hope Street, Suite 2300
9 Los Angeles, CA 90071-2678
10 Tel: 213.330.7700
11 Fax: 213.330.7701

12 Proposed Attorneys for NexPrise, Inc., Debtor and
13 Debtor in Possession

14 UNITED STATES BANKRUPTCY COURT
15 SOUTHERN DISTRICT OF CALIFORNIA

16 In re:
17 NEXPRISE, INC., a Delaware corporation,
18 Debtor and Debtor in
19 Possession.

20 Tax ID # 77-0465496

CASE NO. 11-00742-11

Chapter 11

Notice of First Day Motions Filed By Debtor

Date: TBD
Time: TBD
Ctmm: Department 2, Room 118
325 W. F Street
San Diego, CA 92101
Judge: Hon. Louise D. Adler

21 **TO THE HONORABLE LOUISE D. ADLER, UNITED STATES BANKRUPTCY JUDGE,**
22 **SECURED CREDITORS, THE TWENTY LARGEST UNSECURED CREDITORS, AND**
23 **THE UNITED STATES TRUSTEE:**

24 **PLEASE TAKE NOTICE** that NexPrise, Inc., a Delaware Corporation, debtor and
25 debtor in possession in this case (the “Debtor”) intends to and hereby does move the Court for an
26 order granting each and every one of the following First Day Motions, true and correct copies of
27 each of which, along with any supporting declarations, have been duly filed and served
28 concurrently with this Notice:

a. First Day Motion By Debtor For Order: (A) Authorizing Continued Used

1 of Debtor's Cash Management System; (B) Authorizing Maintenance of Debtor's Existing
 2 Bank Accounts and Continued Use of its Business Forms; (C) Waiving Compliance with
 3 11 U.S.C. § 345(b); and (D) For Other Relief;

4 b. First Day Motion By Debtor For Order (A) Prohibiting Utility Providers
 5 From Altering, Refusing Or Discontinuing Service, (B) Deeming Utility Companies
 6 Adequately Assured of Future Performance, and (C) Establishing Procedures For
 7 Determining Adequate Assurance of Payment;

8 c. First Day Motion By Debtor For Order (A) Authorizing, But Not
 9 Requiring, Payment of Pre-Petition (1) Wages, Salaries And Other Compensation, (2)
 10 Employee Benefits, (3) Reimbursable Expenses, and (4) Related Taxes; and (B)
 11 Authorizing and Directing Financial Institutions To Receive, Process, Honor, And Pay
 12 All Checks Presented For Payment; and

13 d. First Day Motion By Debtor For Order Limiting Scope of Notice.

14 **PLEASE TAKE FURTHER NOTICE THAT THE ABOVE LISTED FIRST DAY**
 15 **MOTIONS HAVE BEEN FILED IN ACCORDANCE WITH APPENDIX D1 OF THE**
 16 **LOCAL BANKRUPTCY RULES FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
 17 **(“LOCAL BANKRUPTCY RULES”). AS REQUIRED BY APPENDIX D1 OF THE**
 18 **LOCAL BANKRUPTCY RULES (“GUIDELINES FOR FIRST DAY MOTIONS”), ANY**
 19 **PARTY IN INTEREST WHO OPPOSES ANY OF THESE FIRST DAY MOTIONS**
 20 **SHALL IMMEDIATELY NOTIFY THE JUDGE’S LAW CLERK OF ITS POSITION BY**
 21 **TELEPHONE AT (619) 557-5623. NO WRITTEN OPPOSITION SHALL BE FILED TO**
 22 **ANY OF THESE FIRST DAY MOTIONS UNLESS THE COURT OTHERWISE**
 23 **DIRECTS. PLEASE NOTE THAT THE FAILURE TO NOTIFY THE COURT OF**
 24 **OPPOSITION TO ANY OF THESE FIRST DAY MOTIONS MAY BE DEEMED TO BE**
 25 **CONSENT TO THE RELIEF REQUESTED, AND THE RELIEF MAY BE GRANTED**
 26 **WITHOUT FURTHER NOTICE OR A HEARING.**
 27

1 Dated: January 18, 2011

DLA PIPER LLP (US)

2
3 By /s/ Kurt Ramlo
4 Kurt Ramlo
5 Proposed Attorneys for NexPrise, Inc.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28